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AS

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/228,821 01/11/99 WENZEL

D 3596.02-1

EXAMINER

IM22/0718

HOWARD M PETERS  
PETERS VERNY JONES & BIKSA  
385 SHERMAN AVENUE SUITE 6  
PALO ALTO CA 94306-1840

JOHNSON, J

ART UNIT

PAPER NUMBER

25

1764

DATE MAILED:

07/18/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office

**NOTICE OF ALLOWANCE AND ISSUE FEE DUE**

IM22/0718

HOWARD M PETERS  
PETERS VERNY JONES & BIKSA  
385 SHERMAN AVENUE SUITE 6  
PALO ALTO CA 94306-1840

APPLICATION NO.	FILING DATE	TOTAL CLAIMS	EXAMINER AND GROUP ART UNIT	DATE MAILED
09/228,821	01/11/99	020	JOHNSON, J 1764	07/18/01
First Named Applicant	WENZEL, 35 USC 154(b) term ext. = 0 Days.			

TITLE OF INVENTION COMPOSITION AS AN ADDITIVE TO CREATE CLEAR STABLE SOLUTIONS AND MICROEMULSIONS WITH A COMBUSTIBLE LIQUID FUEL TO IMPROVE COMBUSTION

ATTY'S DOCKET NO.	CLASS-SUBCLASS	BATCH NO.	APPLN. TYPE	SMALL ENTITY	FEE DUE	DATE DUE
1 3596.02-1	044-302.000	J39	UTILITY	YES	\$620.00	10/18/01

**THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED.**

**THE ISSUE FEE MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED.**

**HOW TO RESPOND TO THIS NOTICE:**

- I. Review the SMALL ENTITY status shown above.  
If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:
  - A. If the status is changed, pay twice the amount of the FEE DUE shown above and notify the Patent and Trademark Office of the change in status, or
  - B. If the status is the same, pay the FEE DUE shown above.
- If the SMALL ENTITY is shown as NO:
  - A. Pay FEE DUE shown above, or
  - B. File verified statement of Small Entity Status before, or with, payment of 1/2 the FEE DUE shown above.
- II. Part B-Issue Fee Transmittal should be completed and returned to the Patent and Trademark Office (PTO) with your ISSUE FEE. Even if the ISSUE FEE has already been paid by charge to deposit account, Part B Issue Fee Transmittal should be completed and returned. If you are charging the ISSUE FEE to your deposit account, section "4b" of Part B-Issue Fee Transmittal should be completed and an extra copy of the form should be submitted.
- III. All communications regarding this application must give application number and batch number.  
Please direct all communications prior to issuance to Box ISSUE FEE unless advised to the contrary.

**IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.**

PATENT AND TRADEMARK OFFICE COPY

# Notice of Allowability

## Application No.

09/228,821

## Examiner

Jerry D. Johnson

## Applicant(s)

WENZEL, DEBORAH

## Art Unit

1764

### -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed July 9, 2001.
2. ☒ The allowed claim(s) is/are 1, 59-70 and 78-84.
3. ☐ The drawings filed on \_\_\_\_\_ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.
5. ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
  - (a) ☐ The translation of the foreign language provisional application has been received.
6. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☐ CORRECTED DRAWINGS must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No. \_\_\_\_\_.
  - (b) ☐ including changes required by the proposed drawing correction filed \_\_\_\_\_, which has been approved by the Examiner.
  - (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the top margin (not the back) of each sheet. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

- |  |  |
|--|--|
| 1 <input type="checkbox"/> Notice of References Cited (PTO-892)  | 2 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                    | 4 <input checked="" type="checkbox"/> Interview Summary (PTO-413), Paper No. <u>24</u> |
| 5 <input type="checkbox"/> Information Disclosure Statements (PTO-1449), Paper No. _____               | 6 <input checked="" type="checkbox"/> Examiner's Amendment/Comment                     |
| 7 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8 <input type="checkbox"/> Examiner's Statement of Reasons for Allowance               |
|  | 9 <input type="checkbox"/> Other _____   |

*Page 2*

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Peters on July 17, 2001.

Please enter the following amendment:

In the claims:

Claims 60-63, 65-67, 69, 70 and 78-84, line 1 of each, delete "additive" and insert therefor -- combustible fuel composition --.

Cancel claim 77.

Claim 64. A combustible fuel composition of diesel fuel and additive as a clear microemulsion with water present wherein said additive comprises:

- (a) ethanol having between 0.5 and 10 % water by volume of ethanol;
- (b) one or more alcohols selected from the group consisting of:
  - (i) straight- or branched-chain alcohols having between 3 and 5 carbon atoms
  - (ii) straight- or branched-chain alcohols having between 6 and 12 carbon atoms,
- and
- (iii) combinations of b(i) and b(ii);
- (c) a fatty acid of the structure  $R-(C=O)-OH$ , wherein R is alkyl or alkylene having between about 10 to 24 carbon atoms, in combination with ammonia or urea in an anhydrous

*G1*

*99*

*G1*

Art Unit: 1764

state or as an aqueous solution and the ammonia or urea is present sufficient to neutralize about 40-80 % of the fatty acid;

G1 wherein components a, b, and c, as the additive when combined with mixing with diesel fuel form a clear, stable microemulsion fuel composition having a viscosity with  $\pm 10\%$  of the original viscosity of the diesel fuel, and wherein the ratio of diesel fuel to additive ranges from about 50:50 to 99:1 by volume, with the proviso that water is present in the composition sufficient to form the microemulsion and with the proviso ethylene oxide condensation and ethylene oxide esterification products are completely eliminated.

~~17~~  
Claim ~~68~~. A combustible fuel composition of diesel fuel and additive as a clear microemulsion with water present wherein said additive comprises:

- G2
- (a) ethanol having between 10 and 25 % water by volume of ethanol;
  - (b) one or more alcohols selected from the group consisting of:
    - (i) straight- or branched-chain alcohols having between 3 and 5 carbon atoms
    - (ii) straight- or branched-chain alcohols having between 6 and 12 carbon atoms,and
  - (iii) combinations of b(i) and b(ii);
  - (c) a fatty acid of the structure  $R-(C=O)-OH$ , wherein R is alkyl or alkylene having between about 10 to 24 carbon atoms, in combination with ammonia or urea in an anhydrous state or as an aqueous solution and the ammonia or urea is present sufficient to neutralize about 40-80 % of the fatty acid;
- 100
- G

Art Unit: 1764

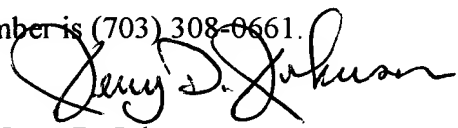
62 wherein components a, b, and c, as the additive when combined with mixing with diesel fuel form a clear, stable microemulsion fuel composition having a viscosity with  $\pm 10\%$  of the original viscosity of the diesel fuel, and wherein the ratio of diesel fuel to additive ranges from about 50:50 to 99:1 by volume, with the proviso that water is present in the composition sufficient to form the microemulsion and with the proviso ethylene oxide condensation and ethylene oxide esterification products are completely eliminated.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jerry D. Johnson whose telephone number is (703) 308-2515.

The examiner can normally be reached on 6:00-3:30, M-F, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marian Knode can be reached on (703) 308-4311. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-5408 for regular communications and (703) 305-3599 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-6661.

  
Jerry D. Johnson  
Primary Examiner  
Art Unit 1764

JDJ  
July 17, 2001

101

6